



CITY OF MEMPHIS

COUNCIL AGENDA

June 1, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 18, 2004)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the southwest side of Mt. Moriah Road; +/-359 feet northwest of American Way Blvd., containing .92 acre(40,075 sq. ft.) in the Local Commercial (C-L) District, up for F I R S T reading.

Peete

Ordinance No. 5064

Case No. Z 04-117

Applicant: Chuck Hutton Chevrolet Co.
J. William Pierce, Jr., - Representative

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL of the Highway Commercial (C-H) District

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning the southeast corner of S. Germantown Road and E. Shelby Drive, containing 1.29 acres in the Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5065

Case No. Z 04-118cc

Applicants: D H & S Properties
Davis Eng. Co., Inc. – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the west side of New Allen Road; +/-430 feet north of Ridgemont Road, containing 4.46 acres in the Local Commercial (C-L) and Flood Plain (FP) Districts, up for F I R S T reading.

Peete

Ordinance No. 5066
Case No. Z 04-119

Applicant: South Seas, Inc.
Shelby County Housing, Maggie Conway – Representative

Request: Single Family Residential (R-S8) and Flood Plain (FP) Districts

LUCB and OPD recommendation: APPROVAL of the Single Family Residential (R-S8) and Flood Plain (FP) Districts

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** rezoning the south side of Macon Road; +/-1,047.82 feet east of Pisgah Road, containing 48.77 acres in the Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5067
Case No. Z 03-125cc

Applicant: Steve Anderson, Trustee
Dickinson & Bennett, Inc. – Representative

Request: Single Family Residential (R-s10) and Planned Commercial (C-P) Districts

LUCB recommendation: APPROVAL of R-S10 & Approval with Conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES- SECOND READING (none)

ENGINEERING

5. RESOLUTION approving final plat of SUTTON PLACE EAST P.D., PHASE 2.

Case No. PD 03-340cc
Contract No. CR-4872

Resolution approves the final plat located on the south side of Sutton Ridge Lane, west of Hamilton View Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving engineering plans of UPTOWN CENTER AUCTION AVENUE STREET IMPROVEMENTS.

Contract No. CR-4873

Resolution approves the engineering plans located on the northeast corner of Auction Avenue and North Main Street. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION accepting CHARLES T. ROWLAND SUBDIVISION, and authorizing release of bond.

Case No. S 02-017
(Contract No. CR-4798)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Jackson Avenue, 374.6 feet north of Gragg Avenue. The standard improvement contract was approved on June 17, 2003. Resolution also authorizes the release of the performance bond in the amount of \$30,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting DIRECT GENERAL INSURANCE COVINGTON PIKE MEDIAN MODIFICATION, and authorizing release of bond.

(Contract No. CR-4829)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the engineering plans located on the east side of Covington Pike, 557 feet north of Raleigh-LaGrange Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$29,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of JOHN ADAMS SUBDIVISION, RESUBDIVISION OF LOT 4.

Case No. S 03-041

Resolution approves the final plat located on the northwest corner of Winchester Road and Interstate 55. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

10. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 04-321cc – BRIARCREST BAPTIST SCHOOL SYSTEM PLANNED DEVELOPMENT 2ND AMENDMENT

Located on the south side of New Dexter Road; +832 feet west of Beaver Trail Drive, containing 1.61 acres in the Multiple Dwelling Residential (R-ML) District

Applicant: Waymon Welch Jr.
Jim Dickinson – Representative

Request: Amend P.D. 92-313cc to add the following area:
Area A(along Dexter Road – 0.70 acres) – Commercial uses
Area B (along Old Dexter Road – 0.90 acres) – Residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. PD 04-324

Located on the south side of Park Avenue; +160 feet west of Fair Meadow Road, containing 1.38 acres in the Single Family Residential (R-S10) District

Applicant: Jameson/Gibson/Browne Development
Robert Lee Browne – Representative

Request: A planned development to create six (6) single family detached lots
(minimum lot size 6,780 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 03-619 HENRY AVENUE (FORMERLY MELBOURNE AVENUE)

Beginning at the west line of National Avenue and extending 493.88+ feet to the
East line of Henry Avenue, containing 25,103 Square Feet =.576 acre in the
Multiple Dwelling Residential (R-ML) District

Applicant: Harmony Woods Apts, LP
Reaves Firm – Harvey C. Marcom – Representative

Request: Close & Vacate Unimproved Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: June 15, 2004



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Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

30. RESOLUTION honoring the 50th Anniversary of Brown v. Board of Education.
Mitchell

ACTION REQUESTED: Adopt the resolution

BUDGET ITEMS

31. RESOLUTION to establish the Memphis Light Gas and Water Division In-Lieu-Of Tax payment to the City of Memphis for Fiscal Year 2005.
Mitchell

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION to establish and approve the Fiscal Year 2005 Memphis and Shelby County Public Library and Information Center Budget.
Mitchell

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION to approve the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2005 – 2009.
Mitchell

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION to direct the City Treasurer to prepare tax bills for the various utilities and carriers utilizing the last certified assessment as of June 30, 2004.
Mitchell

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION to approve the FY 2005 Budget for the Center City Commission.
Mitchell

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION to approve the use of Hotel/Motel Tax funds for the Fiscal Year 2005 operating deficit of the Convention Center.
Mitchell

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION to approve the Memphis City Schools' Budget for 2004-2005.
Mitchell

ACTION REQUESTED: Adopt the resolution

38. **ORDINANCE** establishing the Fiscal 2005 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Mitchell

Ordinance No. 5061

ORDINANCE appropriating the proceeds of the tax levy on the assesses values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2004 through June 30, 2005, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2004 through June 30, 2005, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Take whatever action Council deems advisable

39. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2005, up for T H I R D and F I N A L reading.

Mitchell

Ordinance No. 5062

ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCES-THIRD AND FINAL READING

40. **ORDINANCE** to amend Chapter 21, Sections 21-23.1 and 23.2 Code of Ordinance, City of Memphis, so as to incorporate recent changes in Tennessee Law Governing Child Passenger Safety, up for T H I R D and F I N A L reading.

Holt

Ordinance No. 5059

ACTION REQUESTED: Take whatever action Council deems advisable

41. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and 25-195, up for T H I R D and F I N A L reading.

Mitchell

Ordinance No. 5060

ACTION REQUESTED: Take whatever action Council deems advisable

42. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879 as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to amend the Residency Requirement of the persons employed solely by the City, Section 190 and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 2, 2004, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5063

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

43. **RESOLUTION** authorizing the Issuance of Sanitary Sewerage System Revenue Bonds, Series 2004, of the City of Memphis, Tennessee, not to exceed \$30,000,000.00, for the purpose of financing improvements, additions and extensions to the City's sanitary sewerage system.

Mitchell

ACTION REQUESTED: Adopt the resolution

44. **RESOLUTION** including Hollywood Branch Library Expansion, located at 1530 North Hollywood Street, CIP Project Number LI006, as part of the Fiscal Year 2004 Capital Improvement Budget. A bid and contingency amount in construction of \$1,369,440.00 and FF&E in the amount of \$150,000.00, makes this total appropriation request from the City of Memphis Council a total of \$1,519,440.00.

Holt

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION authorizing the execution and delivery of an amendment to the amended and restated interlocal agreement dated May 15, 2002 relating to the re-financing of the Memphis arena project to be re-financed by the Memphis and Shelby County Sports Authority, Inc., relating to the issuance of not exceeding in aggregate principal amount \$230,000,000.00 of revenue refunding bonds of the authority in two or more series pursuant to the provisions of Chapter 67, Title 7 and Parts 3 and 10 of Chapter 21 of Title 9 of the Tennessee code annotated to finance and refinance a portion of the cost of the acquisition, construction and equipping of the Memphis arena project; and providing an effective date.

Mitchell

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION to allocate and appropriate \$1,650,000.00 G.O. Bonds General in CIP Project IS006-SAN/Server Consolidation for the purpose of replacing their computer server-based system with newer more efficient technologies.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

47. RESOLUTION approving the waiver of restrictive covenants applicable to the Beale Street Urban Renewal Area, Tennessee A-11-1. Resolution is for the benefit of Hunt Phelan, LLC for the property formally known as the Hunt-Phelan home.

Ford

The Director recommends approval of the resolution

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCES - THIRD AND FINAL READING (none)

DIVISION OF PLANNING & DEVELOPMENT

48. RESOLUTION approving a special use permit located on the southeast corner of Grand Street and Carnes Avenue, containing .15 acre (6,882 Sq. Ft.) in the Local Commercial (C-L) District.

Peete

Case No. SUP 04-207

Applicant: Robert Ivy
John Hall – Representative

Request: Automobile Repair

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

49. RESOLUTION approving a planned development located on the northwest corner of Airways Boulevard and Kilarney Avenue, containing 81 acres in the Single Family Residential (R-S8), Townhouse Residential (R-TH) and Local Commercial (C-L) Districts.(Held from 5/4)
- Peete Case No. PD 04-310

Applicant: William H. Thomas
Richard Fields - Representative

Request: Warehouse Planned Development

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

256 NOTICES MAILED ON MAY 21, 2004

50. RESOLUTION approving a planned development located on the west side of N. Germantown Parkway; +/-1,1,50 feet north of Chimneyrock Boulevard, containing 15.0 acres of vacant land currently governed by the Galleria of Memphis Planned Development (P.D. 90-315) (Held from 5/4).
- Peete Case No. PD 04-312

Applicant: Anderson Development Partners
Farris, Mathews, Branan, Bobango & Hellen, PLC - (Homer Branan) - Representative

Request: Planned development amendment to create Parcel I-Area F to allow motor vehicle sales and service in a portion of Parcel I-Area A and Parcel I-Area B-2 of the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON MAY 21, 2004

51. RESOLUTION approving a planned development located on the southern terminus of Windyke, Clubview, and Greenbelt Drives; ±170 feet south Glen Eden Drive, containing 111 acres in the Single Family Residential (R-S10), Single Family Residential Flood Plain (R-S10[FP]), Single Family Residential (R-S8), Single Family Residential Flood Plain (R-S8[FP]), Townhouse Residential (R-TH), Townhouse Residential Flood Plain (R-TH[FP]), Multi-Family Residential (R-ML) and Multi-Family Residential Flood Plain (R-ML[FP]) Districts.(Held from 5/18)
- Peete Case No. PD 03-353cc

Applicant: Belz Investco, GP
Ronald Harkavy - Representative

Request: Planned development to create a mixture of lot sizes ranging between a minimum of 3,500 square feet to a maximum of 10,000 square feet in accordance with the bulk regulations of the R-S and R-TH Districts

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

324 NOTICES MAILED ON MAY 7, 2004

52. RESOLUTION approving a street/alley closure beginning on the north side of Kilarney Avenue and extending +203 feet therefrom and beginning south on the side of Holmes Road and extending +669 feet therefrom, containing 81 acres.(Held from 5/18)
- Peete Case No. SAC 04-605

Applicant: William H. Thomas
Richard Fields - Representative

Request: Partial Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

256 NOTICES MAILED ON MAY 7, 2004

53. RESOLUTION approving an appeal located on the east side of Gaither Street, 259 feet north of Kerr Avenue.

Peete

Case No. C-N 04-01

Applicant: South Parkway East Kiddie Learning Center
Reginald Payton - Representative

Request: Locate parking in the front yard of the day care center expansion as currently prohibited by the Neighborhood Commercial (C-N) Zoning District Regulations

Recommendation: Take whatever action Council deems advisable

76 NOTICES MAILED ON MAY 21, 2004

54. RESOLUTION approving a street/alley closure located on the east side of Leath Street; beginning 153 feet north of Poplar Avenue, containing 825 square feet in the Highway Commercial (C-H) District.

Peete

Case No. SAC 04-602

Applicant: Frank Diccico

Request: Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

25 NOTICES MAILED ON MAY 21, 2004

55. RESOLUTION approving a special use permit located on the east side of Ridgeway Road; beginning 480.44 feet south of Winchester Road, containing 1.94 acres in the Planned Commercial (C-P) and Highway (C-H) Districts.

Peete

Case No. SUP 04-204

Applicant: Three Kids, LLC – Adrian Bond

Request: Night Club

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON MAY 21, 2004

56. RESOLUTION approving a use variance located on the east side of Riverdale Road; +34 feet south of Fernbank Lane, containing 33,105 square feet in the Agricultural (AG) District.

Peete

Case No. UV 04-02cc

Applicant: Bruce Wring
Delinor Smith - Representative

Request: Office

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

72 NOTICES MAILED ON MAY 21, 2004

ADJOURNMENT